

**MANDATE**S.D.N.Y. - N.Y.C.  
08-cv-1094  
Wood, C.J.United States Court of Appeals  
FOR THE  
SECOND CIRCUITUSDC  
DOCUMENT  
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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30<sup>th</sup> day of July, two thousand eight,

Present:

Hon. Sonia Sotomayor,  
Hon. Robert A. Katzmann,  
Hon. Richard C. Wesley,  
*Circuit Judges.*



Matthew Primous,

*Plaintiff-Appellant,*

v.

08-1027-cv

Democratic National Committee,

*Defendant-Appellee.*

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e); *Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995).

Furthermore, based on the record of this and prior proceedings, we give notice to Appellant that the future filing of frivolous appeals may subject him to a requirement that he obtain leave before filing appeals or other papers, see *In re Martin-Trigona*, 9 F.3d 226, 227 (2d Cir. 1993), to monetary penalties, see Fed. R. App. P. 38, or to other sanctions.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: Richard Alcantara  
Richard Alcantara, Deputy Clerk

SAO-KFW

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk

by [Signature]  
DEPUTY CLERK

ISSUED AS MANDATE:

8/21/08